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2010 Session of the General Assembly Women's Roundtable Report

Legislative Forum

*meets every Wednesday during session 8:30 to 9:30 a.m. 3rd floor conference room West
Notes by Amy Burgett of Richmond*

January 27, 2010 League Lobby Day

Olga Hernandez, President of the League of Women Voters of Virginia (LWV-VA) opened the forum by introducing herself and the League's role as moderator of the Women's Roundtable (WRT) while the General Assembly (GA) is in session. She welcomed all attending, noting that today is League Lobby Day, when League members from across the Commonwealth come to the General Assembly to talk with their Delegates and Senators, attend committee meetings of interest, are recognized from the floor of the Senate and House, and share ideas, concerns and commitments. Folders were made available with much information about Virginia's General Assembly to help attendees with the activities of the day.

She welcomed Marcos Chappell, VCU's Capitol News Service who is observing today's WRT, and doing a feature article on it.

Ms. Hernandez quickly introduced Nancy Rodrigues, who is the Secretary of the State Board of Elections (SBE), and with whom the League is working closely on election-related issues and our study topic. A general invitation was issued to remain in Senate 3W for the meeting of the Campaigns and Elections subcommittee of the Senate Privileges and Elections.

Anne Sterling, LWV-VA Legislative Coordinator, welcomed members of AAUW, who also have their Lobby Day, and with whom League members will be coordinating the day's schedule and activities. She introduced Kathy Kelley, regional director for AAUW, AARP's Barbara Price, and several others in the assembly. Sylvia Clute was introduced and briefly shared with the audience a bill, that she is closely following on Restorative Justice. The LWV-VA has a comprehensive position, Juvenile/Adult Restorative Justice, and will be following this issue.

- “**SB 679 Restorative justice programs.** (Patron Hanger) Establishes a restorative justice program for offenders and victims. Provisions address participation, court involvement, confidentiality, and immunity from civil liability.” (Patron, Hanger)

Melissa Gorman, University of Richmond Juvenile Justice introduced herself discussed two companion bills she will be following, , SB 585 **Juveniles in correctional facilities**; appointment of counsel by judge of JDRC in jurisdiction (Patron Marsden) & HB 483, **Juvenile correctional centers; appointment of counsel.** Provides for the appointment of an attorney to assist individuals confined in a juvenile correctional center regarding any legal matter relating to their incarceration (Patron BaCote)

Delegate Vivian Watts (D-Fairfax) welcomed the assembly to League Lobby Day, telling several anecdotes about her League long time membership, and the lessons she learned in League. She has two bills she is following

- HB 223. Estate tax; dedication of revenues collected. **Estate tax reinstated.** Reinstates the estate tax for persons dying on or after July 1, 2010. No estate tax will be imposed on a gross estate if the majority of the assets of the estate is an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident

per 24-hour period. Del. Watts noted that much attention needs to be paid to “end of life care” for parties in nursing facilities, many of whom are covered by Medicaid. (Patron Watts)

- HB 368 & HB 668, providing more structure to Homeowners’ Associations.

Ben Greenberg, Virginia Organizing Project (VOP) spoke briefly in support of SB266, which would expand the FAMIS eligibility. The bill is in Senate Education and Health, and will be discussed 1/28. Mr. Greenberg noted that the funding for this measure is 60% federal, and requires some state and local funding. He yielded the floor to Senator Janet Vogel.

Senator Jill Vogel (R-Fauquier Co area), congratulated the LWV-VA and AAUW on their respective lobby days; she thanked the Virginia Equal Suffrage League, and the League for making it possible for women to vote, and be elected to office, as she was. She noted that she is the only Republican woman in the Senate. She is carrying

- SB 626, creating a bipartisan redistricting commission. “Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman of the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans.” Patron Vogel) Sen. Vogel noted that there are a number of redistricting bills before the GA this year.

Delegate Charniele Herring, (D-Fairfax, Alexandria), introduced herself, and noted that she is carrying a number of bills. In Particular, she mentioned

- HB452, Limited service pregnancy centers; Department of Health to promulgate regulations for registration. She referred to a study done of Crisis Pregnancy Centers where misleading or false information was provided to clients. She noted that the bill has been passed by indefinitely, but recalled the learning experience it has been for her to sit down with people on both sides of the question, and to learn from them. Del. Herring noted that the group will continue to work to be certain that factual educational materials will be provided to women in crisis pregnancies.
- HB 453 Protective orders; service of notice by law-enforcement officer. “Service of protective orders. Provides that a law-enforcement officer may effect service of a protective order by personally serving the person subject to the order with either (i) a copy of the order or (ii) a notification of the issuance of the order, which shall be on a form approved by the Supreme Court of Virginia. The officer making service shall enter or cause to be entered the date and time of service and other appropriate information into the Virginia Criminal Information Network and make due return to the court.” The bill is in the Criminal subcommittee of the House Courts of Justice committee.”

Alex Blakemore & Julie Dime , representatives of the Verifiable Voting Coalition , with whom the League works. They spoke of two bills seeking to overturn the “DRE (Direct Recording Electronic machines) Ban” enacted in the 2007 session, which prohibits Boards of Election from buying voting equipment that does not provide a verifiable voting record, and asked those assembled to work to oppose them. . Those bills are

- HB 1225, patron Toscano, “**Elections; acquisition of voting equipment by localities.** Allows the acquisition of direct recording equipment (DRE) machines by any locality for the purpose of providing one voting system at each polling place for individuals with disabilities as required by state or federal law.”
- SB593, patron Puller. “**State Board of Elections; Acquisition of DRE’s.**” Currently, cities and counties are prohibited from acquiring direct recording electronic machines (DRE’s) for use in elections. The proposed bill would permit localities to obtain DRE’s already owned by other localities for the purpose of providing accessible voting equipment as required by Virginia and Federal law. This bill would maintain the existing ban on DRE’s and would not permit any new DRE’s to be purchased by any locality.”

Senator Chap Petersen (D- Fairfax) noted that he would be chairing the subcommittee on Privileges and Elections in Senate Room 3W immediately after the WRT, and invited assembled group to stay for an interesting discussion.

Senator Mamie Locke (D- Hampton) urged the WRT to follow and advocate for Fair Housing and using a revised Estate tax to fully fund the Standards of Quality.

- SB 214 Fair Housing Board; establishes educational materials concerning Fair Housing Law.” **Fair Housing Board educational materials on the Fair Housing Law; affidavit.** Establishes that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission.”
- SB705 Taxation, new and increased; additional revenues to be appropriated for funding SOQ. “**New and increased taxes for funding the Standards of Quality.** Provides additional revenues to be appropriated for funding the Standards of Quality by (i) establishing an additional individual income tax of three percent in taxable years 2011, 2012, and 2013 on Virginia taxable income that is in excess of \$250,000 for each single person and on Virginia combined taxable income that is in excess of \$500,000 for each married couple; (ii) means testing the age deduction for all taxpayers regardless of date of birth for taxable years beginning on or after January 1, 2011; (iii) delaying by one year the phase-in of the single sales factor for corporate income tax purposes; (iv) for taxable years beginning on or after January 1, 2011, allocating for taxation in the Commonwealth the portion of the taxable income of a corporation that a non-domiciliary state is prohibited from taxing under the Constitution of the United States, provided that the commercial domicile of the corporation is in the Commonwealth; (v) for taxable years beginning on or after January 1, 2011, requiring combined reporting for corporate income tax purposes; (vi) reducing from \$100,000 to \$50,000 the total amount of the land preservation tax credit that may be claimed by a taxpayer in the 2011 and 2012 taxable years; (vii) extending the retail sales and use tax to digital downloads (musicals, publications, greeting cards, etc.) and computer services; (viii) presuming certain dealers to be soliciting or transacting business in the Commonwealth by an independent contractor, agent, or other representative if the dealer enters into an agreement with a resident of the Commonwealth under which the resident, for a commission or other consideration, refers potential customers to the dealer; and (ix) reinstating the state estate tax for persons dying between July 1, 2010, and July 1, 2013. “

Tyla Matteson of the Sierra Club, asked for support of two environmental bills:

- SB 71 Energy efficiency resource standard; established. (Patron McEachin) “**Energy efficiency resource standard.** Requires each electric utility to implement a portfolio of cost-effective electric utility energy efficiency programs that will reduce the consumption of electric energy by its retail customers by 0.3 percent of the forecast consumption for 2011, 3.9 percent of the forecast consumption for 2015, and 12.2 percent of

the forecast consumption for 2022. An electric utility may seek rate adjustment clauses to recover the costs of its cost-effective electric utility energy efficiency programs with an enhanced rate of return on such costs of 100 basis points, if the electric utility achieves consumption reductions of not less than 100 percent of the amounts scheduled or 150 basis points if it achieves reductions of 125 percent or more of the amounts scheduled. An electric utility that fails to achieve the scheduled consumption reductions shall make alternative compliance payments of \$0.075 for every kilowatt hour by which the utility failed to meet the scheduled consumption reductions. Utilities are not entitled to recover alternative compliance payments from customers. Alternative compliance payments are to be deposited in a Virginia Energy Efficiency and Conservation Fund and used to provide financial incentives for the implementation of energy efficiency and conservation programs.”

- SB564 Coal surface mining; refuse control. (Patron Ticer) **Coal surface mining; refuse control.** Prohibits the issuing of a permit for coal surface mining operations unless the applicant affirmatively demonstrates, and the Director finds in writing, that no spoil, refuse, silt, slurry, tailings, or other waste materials from coal surface mining and reclamation operations will be disposed of in any intermittent, perennial, or ephemeral stream.”

Andrew Goddard of the Million Mom March organization noted that 53 gun bills have been introduced, most relaxing current standards for possession and carrying, and asked that these be followed. Most are in Senate Courts of Justice.

Laura Wimmer, President of AAUW was introduced; she stated that AAUW was glad to be partnering with the LWV-VA in the day’s activities.

Olga Hernandez noted that LWV-VA priorities this session are Reapportionment & Redistricting, and Election Laws. A handout was provided.

Nancy Rodrigues and James Alcorn of the State Board of Elections (SBE). . 8% of the bills introduced this session are election bills; they have been busy reading and following all of them. The SBE priorities are to expand electronic voting by military from out-of-state to include in-state. She noted that they will be very busy publishing text and summaries of the 4 proposed Constitutional Amendments. Ms. Rodrigues noted that the SBE website is being updated and is under review to be launched soon.. During her tenure she has secured 1) a forms warehouse; 2) all SBE minutes since 1947 have been cataloged and are available online; 3) work is ensuing on a new website, which will include the complete text of the General Registrar’ Handbook, which is a highly requested FOIA document. Another note is that their offices have moved in 2009 to the renovated Washington Building in Capitol Square.

The WRT was closed at 9:45 with reminders from Anne Sterling:

- 1) Meet about 11:30 am in the Capitol building to be recognized by the House or Senate
- 2) to meet at 12:45 at The Tobacco Company for lunch
- 3) to reconvene at 2:30 on the 6th floor of the GA building outside the cafeteria for a workshop on navigating the GA budget

Notes by Amy Burgett.

* Text and descriptions of legislation were copied from the website of the General Assembly’s 2010 Legislative Information System (DLS)